

CHAPTER 1160
HEALTH DATA COMMISSION
H.F. 2452

AN ACT relating to the health data commission by adding the executive director of the commission on the aging to the membership of the health data commission, providing for the collection of certain billing information, and permitting the health data commission to collect long-term care data.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 145.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission consists of the executive director of the commission on the aging, the commissioners of health, insurance, and human services, one state senator and one state representative who shall not be of the same party, shall be nonvoting members, and shall be appointed each year by the president of the senate and speaker of the house, respectively, and the chairperson of the board of directors of the corporation or the head of the association or other entity providing staff for the commission as provided by section 145.3 who shall be a nonvoting member. The ~~commissioner~~ commission members shall annually select the chairperson of the commission from among the ~~three~~ four voting ~~commissioner~~ commission members. A majority of the ~~six~~ seven members including at least two voting members constitute a quorum.

Sec. 2. Section 145.3, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. j. The commissioner of insurance and the commissioner of public health shall require a pilot project which will collect billing information on surgical procedures commonly performed by health care providers licensed under chapters 148, 149, 150 and 150A, as specified by the health data commission. The pilot project shall be completed by July 1, 1988.

Sec. 3. Section 145.3, subsection 4, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. The commissioner of human services, commissioner of health, and the executive director of the commission on the aging collect and analyze long-term care data.

Approved April 28, 1986

CHAPTER 1161
MOTOR CARRIER REGULATION
S.F. 505

AN ACT relating to the regulation of motor carriers and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 325.1, subsections 8 and 9, Code 1985, are amended to read as follows:

8. ~~The term "carpool"~~ "Car pool" means transportation of a group of at least two riders in a vehicle having a seating capacity for not more than eight passengers between a rider's ~~or the owner-operator's, owner's, or operator's~~ residence or other designated location and a rider's ~~or~~

the ~~owner-operator's, owner's, or operator's~~ place of employment or other common destination of the group, when the vehicle is driven by one of the members of the group.

9. The term "~~vanpool~~" "Van pool" means transportation of a group of riders in a vehicle having a seating capacity for not less than eight passengers and not more than fifteen passengers between a rider's ~~or the owner-operator's, owner's, or operator's~~ residence or other designated location and a rider's ~~or the owner-operator's, owner's, or operator's~~ place of employment or other common destination of the group, when the vehicle is driven by one of the members of the group.

Sec. 2. Section 325.1, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 11. "Motor carrier of property" means a person which holds itself out to the general public as engaging in this state in the transportation of property by motor vehicle for compensation, whether over regular or irregular routes, except that a motor carrier of property does not include a motor carrier of passengers engaged in the transportation of baggage or express incidental to its passenger service.

NEW SUBSECTION. 12. "Regular route motor carrier of passengers" means a person which holds itself out to the general public as engaging in this state in the transportation of passengers by motor vehicle for compensation over regular routes by scheduled service.

Sec. 3. Section 325.2, subsections 1 through 5, Code 1985, are amended to read as follows:

1. Fix or approve the rates, fares, charges, classifications, and rules pertaining thereto, of each motor carrier of property.

2. Regulate and supervise the accounts, schedules, and service of each motor carrier of property.

3. Prescribe a uniform system and classification of accounts to be used, which among other things shall provide for the setting up of adequate depreciation charges, and after ~~such~~ the accounting system ~~shall have~~ has been promulgated adopted, motor carriers of property shall use no other.

4. Require the filing of annual and other reports by motor carriers of property.

5. Supervise and regulate motor carriers of property in all ~~other~~ matters affecting the relationship between ~~such~~ the carriers and the traveling and shipping public.

Sec. 4. Section 325.3, Code 1985, is amended to read as follows:

325.3 GENERAL POWERS.

The authority may ~~by general order or otherwise prescribe~~ adopt rules and regulations applicable to motor carriers of property. The department may ~~prescribe adopt~~ and enforce safety regulations in the operation of all types of motor carriers and require a periodic inspection of the equipment of every motor carrier from the standpoint of enforcement of safety regulations, and the equipment is at all times subject to inspection by properly authorized representatives of the department.

Sec. 5. Section 325.4, Code 1985, is amended to read as follows:

325.4 STATUTES APPLICABLE.

All ~~control, power, and authority~~ over railroads and railroad companies ~~now~~ vested in the authority, ~~insofar as the same is applicable, are hereby specifically~~ is extended to include motor carriers of property.

Sec. 6. Section 325.5, Code 1985, is amended to read as follows:

325.5 RATES.

All charges made by any a motor carrier of property for any a service rendered or to be rendered in the public transportation of ~~passengers or~~ property, or in connection ~~therewith~~ with transportation of property, shall be just, reasonable and nondiscriminating, and every unjust, unreasonable, or discriminating charge for ~~such~~ the service ~~or any part thereof~~ is prohibited and declared unlawful.

Sec. 7. Section 325.6, Code 1985, is amended by striking the section and inserting the following:

325.6 CERTIFICATE OF CONVENIENCE AND NECESSITY AND REGULAR ROUTE PASSENGER CERTIFICATE.

1. It is unlawful for a motor carrier of property to transport property for compensation over a regular route or between fixed termini from any point or place in the state to another place in the state irrespective of the route or highways traversed, including the crossing of any state line of the state, and irrespective of the ticket or bill of lading issued and used for the transportation, without first having obtained from the board a certificate declaring that public convenience and necessity require the operation.

2. Except as provided in subsection 3, it is unlawful for a charter carrier to transport passengers by motor buses for compensation from any point or place in the state to another place in the state irrespective of the route or highway traversed, without first having obtained from the authority a certificate declaring that public convenience and necessity require the operation.

3. It is unlawful for a regular route motor carrier of passengers to transport passengers for compensation upon the highways of this state in intrastate commerce without first having obtained from the authority a regular route passenger certificate. The authority shall issue a regular route passenger certificate without hearing, if the authority finds that the applicant is fit, willing and able.

In determining whether a regular route motor carrier of passengers is fit, willing and able, the authority shall only consider the applicant's safety record, and the applicant's ability to comply with section 325.26.

A regular route passenger certificate authorizing the transportation of passengers includes the authority to transport newspapers, baggage of passengers, express packages or mail in the same motor vehicle with passengers.

A regular route motor carrier of passengers holding a regular route passenger certificate may at any time commence scheduled service over any regular route from any point or place in the state to another place in the state irrespective of the route or highway traversed and may at any time discontinue any part of its regular route service.

A regular route motor carrier of passengers granted a certificate prior to the effective date of this section which authorized motor carrier of passenger operations may continue to provide motor carrier of passenger service with all the rights and privileges granted by a regular route passenger certificate issued under this section.

A regular route motor carrier of passengers shall not operate as a charter carrier in this state unless it possesses a certificate of convenience and necessity to engage in the business of a charter carrier. However, a regular route motor carrier of passengers granted a certificate prior to the effective date of this section which authorized charter operations may continue to provide charter service with all the rights and privileges granted by a charter certificate.

An Iowa urban transit system as defined in section 324.57, subsection 9, may operate within the metropolitan area which it serves and between its service area and another city which is located not more than ten miles from its service area without obtaining a regular route passenger certificate if the other city is not served by another carrier operating under a regular route passenger certificate.

4. The authority may allow the provision of temporary service by a motor carrier of property for which there is an immediate and urgent need to a point or points requested by the application for a permanent certificate of public convenience and necessity upon investigation and a finding that the point or points do not have carrier service capable of meeting the need. The grant of temporary authority shall not become effective until the applicant has complied with sections 325.26, 325.28 and 325.35 and the rules of the board. Unless the temporary authority is suspended or revoked for good cause, it shall be valid for the time specified by the board but not more than an aggregate of one hundred eighty days.

The grant of temporary authority creates no presumption that the corresponding application for a permanent certificate will be granted.

5. A motor carrier providing primarily passenger service for elderly, handicapped and other transportation disadvantaged persons is exempt from the certification requirements of this section if it satisfies each of the following requirements:

a. The motor carrier is not a corporation organized for profit under the laws of Iowa or any other state or the motor carrier is a governmental organization.

b. The motor carrier received operating funds from federal, state or local government sources.

c. The motor carrier does not duplicate a transportation service provided by a motor carrier issued a regular route passenger certificate.

6. A person operating a motor vehicle in a car pool or van pool is exempt from this chapter.

7. Except for a person operating a car pool or van pool, each motor carrier exempt from requirement for a certificate under this section shall obtain a nontransferable permit from the department. Such carriers shall comply with all safety, insurance and other rules of the department pertaining to a publicly funded transit system.

Sec. 8. Section 325.7, Code 1985, is amended to read as follows:

325.7 WHEN CERTIFICATE TO BE ISSUED TO MOTOR CARRIER OF PROPERTY OR CHARTER CARRIER.

~~Before a~~ A certificate shall not be issued to a motor carrier of property or a charter carrier, until the authority shall, after a public hearing, ~~make~~ makes a finding that the service proposed to be rendered will promote the public convenience and necessity. ~~If such the finding be is made, the authority shall be its duty to issue a certificate.~~

The authority may issue a certificate to a motor carrier of property or a charter carrier, without holding a public hearing, if the service proposed will promote the public convenience and necessity and the service would not be provided if the expense of a public hearing was placed upon the applicant.

If a certificate is to be issued to a motor carrier of property or a charter carrier without a public hearing, the authority shall publish notice of its action, at its own expense, in the same manner as provided in section 325.13. Written objections to the issuance of a certificate without holding a hearing may be filed within ten days of the last publication of notice. If no objections are filed within ten days of the last publication of the notice, the authority may proceed to issue the certificate in the manner provided in section 325.18.

Sec. 9. Section 325.8, Code 1985, is amended to read as follows:

325.8 FINANCIAL ABILITY OF APPLICANT.

~~No~~ A certificate of convenience and necessity or a regular route passenger certificate shall not be issued until the applicant has made a satisfactory showing as to the applicant's financial ability to carry out the terms and conditions imposed.

Sec. 10. Section 325.9, Code 1985, is amended to read as follows:

325.9 CONDITIONS.

When ~~the~~ a certificate is granted to a motor carrier of property or a charter carrier, the authority may attach to the exercise of the rights therein conferred by the certificate such terms and conditions as in its judgment the public convenience and necessity may require, which shall include the right and duty to transport newspapers.

Sec. 11. Section 325.12, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. An applicant for a regular route passenger certificate, in lieu of the information required by subsections 3 and 4, shall indicate that statewide regular route passenger authority is being sought.

Sec. 12. Section 325.13, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section does not apply to regular route motor carriers of passengers.

Sec. 13. Section 325.18, Code 1985, is amended to read as follows:

325.18 GRANTING APPLICATION.

It may grant the application in whole or in part upon such terms, conditions, and restrictions and with such modifications as to schedule and route as may seem to it just and proper. However, there shall be no condition or restriction as to schedules or routes imposed on a regular route passenger certificate, and all regular route passenger certificates shall grant statewide regular route passenger authority. The actual operation of such motor vehicles or vehicle shall not begin without a written statement of approval from the department to the effect that the applicant has complied with the safety provisions have been complied with.

Sec. 14. Section 325.25, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A regular route passenger certificate shall not be sold, transferred, leased, or assigned without the approval of the authority. The authority shall approve the sale, transfer, lease or assignment if the person obtaining or seeking to obtain ownership or control of a certificate is found to be fit, willing and able to perform the service proposed. In determining the fitness of the person seeking transfer of the certificate, the authority shall consider only the person's safety record and ability to comply with section 325.26.

Sec. 15. Section 325.26, subsection 1, Code 1985, is amended to read as follows:

1. Passenger motor carriers.

a. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of sixteen persons or less for bodily injury or death resulting therefrom as a result of any one accident or other cause, twenty-five thousand dollars for any recovery by one person and subject to said the limit for one person, one hundred fifty thousand dollars for more than one person.

b. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of sixteen persons or less for damage to or destruction of any property other than that of or in charge of the assured, as a result of any one accident or other cause, ten thousand dollars.

c. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of sixteen persons or less for loss of or damage to property of passengers as a result of any one accident or any other cause, one thousand dollars.

d. Unless the authority determines, after an investigation and hearing, and adopts rules based on that determination, that lesser levels of financial responsibility will protect the public interest, a regular route motor carrier of passengers and a charter carrier operating a motor vehicle with a seating capacity of sixteen or more persons shall have the minimum levels of financial responsibility established under 49 U.S.C. § 10927(a)(1).

d e. Any A common carrier of passengers coming under the provisions of this chapter, furnishing satisfactory proofs as to the authority of such carrier's solvency and financial ability to cover the assured's legal liability as provided for herein in this chapter and make payments to such persons as may be entitled thereto as a result of such that legal liability, or when such common carrier deposits depositing with the authority, surety satisfactory to it as to guarantee for such payments, such common carrier will be is relieved of the provisions of this section requiring liability insurance, surety bond or certificate of insurance; but such common carrier shall, from time to time, furnish such additional proof of solvency and financial ability to pay as may be required by the authority.

Sec. 16. Section 327C.2, Code 1985, is amended to read as follows:

327C.2 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.

The department shall have has general supervision of all railroads in the state, express

companies, car companies, freight and freight-line companies, motor carriers, and any common carrier engaged in the transportation of passengers or freight. However, the provisions of this chapter regarding the supervision of carriers do not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325.1.

Sec. 17. Section 327D.1, Code 1985, is amended to read as follows:
327D.1 APPLICABILITY OF CHAPTER.

This chapter ~~shall apply~~ applies to intrastate transportation by for hire common carriers of persons and property. However, this chapter does not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325.1.

Approved May 1, 1986

CHAPTER 1162
MUNICIPALLY OWNED UTILITIES
S.F. 2253

AN ACT relating to municipally owned utilities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 476.1A APPLICABILITY OF AUTHORITY – MUNICIPALLY OWNED UTILITIES.**

1. Unless otherwise specifically provided by statute, a municipally owned utility is not subject to regulation by the commission under this chapter, except for regulatory action pertaining to:

- a. Assessment of fees for the support of the commission and the office of consumer advocate, as set forth in section 476.10.
- b. Safety standards.
- c. Assigned areas of service, as set forth in sections 476.22 through 476.26.
- d. Enforcement of civil penalties pursuant to section 476.51.
- e. Disconnection of service, as set forth in section 476.20.
- f. Discrimination against users of renewable energy resources, as set forth in section 476.21.
- g. Encouragement of alternate energy production facilities, as set forth in sections 476.41 through 476.45.

2. Municipally owned utilities shall be required to adhere to the requirements of the following sections of the Code but all rules and regulations to enforce these sections shall lie with each local municipal utility's governing board. The commission has no authority concerning these sections as they apply to municipal utilities:

- a. Peak-load management techniques, as set forth in section 476.17.
- b. Promulgation of rules concerning the use of energy conservation strategies, as set forth in section 476.2.

Approved May 1, 1986